IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAWRENCE E. FELDMAN, d/b/a/ LAWRENCE E. FELDMAN and ASSOCIATES,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION NO. 06-cv-2540
GOOGLE, INC.,	:	
Defendant.	:	

MOTION OF DEFENDANT GOOGLE, INC.,
TO DISMISS THE AMENDED COMPLAINT PURSUANT TO FED.R.CIV.P. 12(b)(6)

Defendant Google, Inc., by and through its undersigned counsel, respectfully requests that this Court grant Defendant's Motion to Dismiss the Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6). In support of its Motion, Google hereby incorporates by reference the averments contained in the following Memorandum of Law as if fully set forth herein.

WHEREFORE, Defendant Google, Inc., respectfully requests that this Court grant its Motion to Dismiss the Amended Complaint and enter the attached Order.[1]

LINDY & ASSOCIATES, P.C.

By: **\s\ David J. Berney_____**
Jeffrey M. Lindy, Esquire
David J. Berney, Esquire,
Of Counsel
1800 JFK Boulevard
Suite 1500
Philadelphia, PA 19103

Attorneys for Defendant,
Google, Inc.

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[1] Two forms of Order are provided with this submission. The first proposed form of Order is provided in connection with Google's request that this matter be dismissed without prejudice because Plaintiff, in clear violation of the terms of his contract with Google, initiated the instant action in the wrong forum. The second proposed Order is provided in connection with Google's alternative argument set forth in the attached Memorandum of Law at page 9, where Google requests that in the event that the Amended Complaint is not dismissed, then, at a minimum, Count V of the Amended Complaint, alleging unjust enrichment should be dismissed.

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